THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.206 of 2006

-

-

13th March 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 20.12.2005 in W.P.NO.24562 OF 2005 on the file of the High Court.)

Between:

The Nalgonda District Cooperative Central Bank Ltd., Nalgonda District at Nalgonda rep.by its General Manager, Mr.K.Rama Krishna, S/o.K.V.N.Murthy, 46 years, R/o.Nalgonda.

...APPELLANT

AND

1. The A.P.State Cooperative Bank, rep.by its Managing Director, Hyderabad.

And one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.206 OF 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

The appellant is the management against whom; the second respondent filed the Writ Petition being W.P.No.24562 of 2005 seeking a writ of mandamus assailing the action of the appellant in proceeding against the amount payable towards gratuity. The learned Single Judge, having taken into consideration the fact that the amount payable is towards gratuity and the same cannot be attached as it is exempted under Section 60 of the Code of Civil Procedure (CPC) as well as the provisions of

the Payment of Gratuity Act, 1972 ('the Act' for brevity), allowed the Writ Petition stating that the said amount is not liable to be attached or recovered. Hence, the appeal.

Having heard the counsel on either side and on perusal of the material available on record, it is seen that there is absolutely no serious dispute in regard to the preposition of law that the said amount, which is only towards the payment of gratuity, is exempted under Section 60 CPC as well as the provisions of the Act. In view of the same, there are no merits in the appeal.

Accordingly, the Writ Appeal is dismissed. No costs.

_

_____

(B.PRAKASH RAO, J)

_____

(D.APPA RAO, J)

13th March 2006

RRB

_

_